

**ASSEMBLY BILL**

**No. 386**

---

**Introduced by Assembly Member Gonzalez Fletcher**

February 9, 2017

---

An act to amend the heading of Chapter 5.6 (commencing with Section 13300) of Part 3 of Division 9 of, and to add Article 1 (commencing with Section 13400) to Chapter 5.6 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to immigrants, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 386, as introduced, Gonzalez Fletcher. Legal services for deported veterans.

Existing law requires the State Department of Social Services, subject to the availability of funding, to contract with qualified nonprofit legal services organizations to provide legal services to unaccompanied, undocumented minors, as defined, who are transferred to the care and custody of the federal Office of Refugee Resettlement and who are present in this state. Existing law requires that the contracts meet certain conditions.

This bill would require the department to either contract with qualified nonprofit legal services organizations, or contract with a nonprofit agency to administer funding to nonprofit legal services organization subcontractors, to provide legal services to deported veterans, as defined. The bill would also authorize the department to contract with organizations that provide postconviction relief services to immigrants. The bill would require the contracts awarded pursuant to these provisions to meet certain conditions. The bill would establish the Veteran Reentry Assistance Fund to accept donations from private foundations and other

philanthropic entities for the purpose of expanding the number of individuals that may be provided legal services pursuant to these provisions. The bill would appropriate an unspecified sum from the General Fund to the department for the purpose of implementing these provisions.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The heading of Chapter 5.6 (commencing with  
2 Section 13300) of Part 3 of Division 9 of the Welfare and  
3 Institutions Code is amended to read:

4  
5 CHAPTER 5.6. SERVICES FOR ~~UNDOCUMENTED PERSONS~~  
6 IMMIGRANTS  
7

8 SEC. 2. Article 1 (commencing with Section 13400) is added  
9 to Chapter 5.6 of Part 3 of Division 9 of the Welfare and  
10 Institutions Code, to read:

11  
12 Article 1. Legal Services For Deported Veterans  
13

14 13400. For purposes of this article, the following definitions  
15 shall apply:

16 (a) "Department" means the State Department of Social  
17 Services.

18 (b) "Deported veteran" means a veteran who was deported from  
19 the United States pursuant to Section 237 of the Immigration and  
20 Nationality Act (8 U.S.C. Sec. 1227).

21 (c) "Veteran" has the same meaning as defined in Section  
22 18540.4 of the Government Code.

23 13402. (a) The department shall either contract directly with  
24 qualified nonprofit legal services organizations, or contract with  
25 a nonprofit agency to administer funding to nonprofit legal services  
26 organization subcontractors, to provide legal services to deported  
27 veterans.

28 (b) By \_\_\_\_\_, the department shall request proposals for agencies  
29 to act as the umbrella agency in order to determine whether an

1 umbrella agency model is more efficient than contracting directly  
2 with individual organizations.

3 13406. (a) Contracts awarded pursuant to Section 13402 shall  
4 be executed either with a nonprofit agency that will administer the  
5 contract through nonprofit legal services organization  
6 subcontractors that meet both of the following requirements or  
7 directly with nonprofit legal services organizations that meet both  
8 of the following requirements:

9 (1) (A) Have significant experience in representing individuals  
10 in applications relating to the reentry process after being removed  
11 from the United States pursuant to Section 237 of the Immigration  
12 and Nationality Act (8 U.S.C. Sec. 1227).

13 (B) For the purposes of this paragraph, “significant experience”  
14 means at least one of the following:

15 (i) A minimum of five years of experience as an organization.

16 (ii) Experience as a federal subcontractor for immigration  
17 representation.

18 (iii) Experience working with or under the supervision of an  
19 organization, including a legal training or a technical assistance  
20 organization, that has significant experience in applications relating  
21 to the reentry process after being removed from the United States.

22 (2) Are accredited by the Board of Immigration Appeals under  
23 the United States Department of Justice’s Executive Office for  
24 Immigration Review or meet the requirements to receive funding  
25 from the Trust Fund Program administered by the State Bar of  
26 California.

27 (b) (1) The department may contract with organizations that  
28 provide postconviction relief services to immigrants.

29 (2) Organizations with contracts described in this subdivision  
30 may be clean slate service providers or criminal defense  
31 organizations that will file postconviction relief motions and  
32 petitions in California’s courts.

33 (c) The department may contract with organizations that provide  
34 case coordination and placement services to ensure that all  
35 individuals eligible for representation pursuant to a contract entered  
36 into under this article receives that representation in a timely  
37 fashion.

38 13408. (a) The Veteran Reentry Assistance Fund is hereby  
39 established in the State Treasury to accept donations from private  
40 foundations and other philanthropic entities for the purpose of

1 expanding the number of individuals that may be provided legal  
2 services through contracts entered into by the department pursuant  
3 to this article.

4 (b) Notwithstanding the requirements of Section 13406, the  
5 department may utilize moneys in this fund to contract with a  
6 private attorney who is a member of the American Immigration  
7 Lawyers Association for the purpose of providing legal services,  
8 if the private attorney demonstrates that, within the past five years,  
9 he or she has been substantially involved in the practice of  
10 immigration and nationality law, as described in Section 2.0 and  
11 Section 3.0 of the California State Bar Standards for Certification  
12 and Recertification in Immigration and Nationality Law (as revised  
13 November 19, 2010). A private attorney does not need to be  
14 certified by the State Bar of California as a specialist in  
15 immigration and nationality law in order to qualify for a contract  
16 described in this section.

17 SEC. 3. The sum of \_\_\_\_ dollars (\$\_\_\_\_) is hereby appropriated  
18 from the General Fund to the State Department of Social Services  
19 for the purposes of implementing this act.